

## REFERENDUM PROVISIONS In General

No referendum may be placed on the ballot unless it is specifically authorized by law. Some provisions authorize local governing bodies to request court orders to place issues on the ballot; others permit voters to petition for the election. Some authorize elections to be held for a county or a city; some for a town; and some for the local election district from which a member of the local governing body is elected.

Such provisions of Virginia law, where they exist, set forth the specific question that must appear on the ballot. This question must appear on the petition that will be circulated.

Once it is determined that the question and voter petitions for it are authorized by law, you must follow the procedures in this bulletin and use the petition form attached to it. It also is suggested that you consult with an attorney to assure compliance with all legal requirements.

### A. Prior To Circulating Petitions

1. Prepare the petition form. Use the form attached and insert the question to be placed on the ballot. The question must be listed **exactly** as shown in the law authorizing the referendum. In some cases, you are required to insert specific information.
2. Before circulating any petition pages, one individual who is a registered and qualified voter of the county, city, town or local election district in which the referendum will be held must file with the clerk of circuit court of the county or city:
  - a. a statement which lists the petitioner's:
    - 1) name;
    - 2) residence address;
    - 3) mailing address, if different from residence address; and
    - 4) if any, the name of the organization represented by the petitioner in circulating the petition.
  - b. a copy of the petition which states the question as set forth in the law authorizing it.

The individual who signs this statement should be the person who will be responsible for the petition drive and the filing of the petitions that have been circulated.

3. The clerk of circuit court must certify, **within ten days of the filing of the above documents**, that he has received and accepted the petition copy and statement.

### B. Circulating Petitions

1. Begin circulating **only after** receiving the clerk's certification.

## REFERENDUM PROVISIONS

In General

Page 2 of 2

2. Each person who circulates a petition page must:
  - a. be either qualified to vote or qualified to register to vote in the jurisdiction in which the referendum will be held;
  - b. see each person sign that petition page; and
  - c. complete and sign, before a notary, the affidavit on each petition page he/she circulates.
3. Each petition must:
  - a. contain the signatures of qualified voters of the applicable county, city, town or local election district equal to or more than the number required by the law authorizing the referendum; and
  - b. contain the date signed and **full printed name and residence address** of each voter.

For the number of signatures required, call the State Board of Elections; it is recommended that you obtain at least half again the number required to assure that a sufficient number are qualified.

### C. Filing Petitions

1. Petitions must be filed with the court no later than nine months following the clerk's certification **OR** early enough to allow the general registrar to verify the petitions and allow the court to enter its order calling the election at least 60 days before the election date, whichever is earlier.

For some petitions, the law provides a specific deadline; this deadline must always be met.

2. A suggested format for the court order which should be presented with your petitions to the court for its signature is attached.

### D. Other Requirements

1. The law authorizing a referendum may specify the time at which it must be held.
2. A referendum must be held on a Tuesday and cannot be held (i) on the same day as a primary election; (ii) in the 60 days preceding a primary or general election; (iii) in the 24 days following a primary election; or (iv) in the 35 days following a general election. Voting equipment must remain sealed during these last two periods in the event of a recount or contest.
3. If the referendum is required to be held at the same time as a regularly scheduled November election or, for cities or towns, at the same time as a regularly scheduled May election, the court order is **not** required to be submitted by the chief legal officer of the county or city to the United States Justice Department pursuant to the Federal Voting Rights Act.

If the date of the election is discretionary, submission **must be made** to the United States Justice Department pursuant to the Federal Voting Rights Act.

4. The law authorizing a referendum may limit how often the question may appear on the ballot.
5. Other requirements or limitations may be specified in the law authorizing the referendum.

A-38